

GENERAL ORDINANCE NO. 29-10

AN ORDINANCE
REPEALING AND RECREATING SECTION 6.37,
GREEN BAY MUNICIPAL CODE,
RELATING TO ANIMAL ESTABLISHMENT LICENSE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.37, Green Bay Municipal Code, is hereby repealed and recreated as follows:

6.37 ANIMAL ESTABLISHMENT LICENSE

(1) **DEFINITIONS.** In this section, the following words and phrases have the designated meanings, unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(a) “Animal care records” means documents which contain any animal medical history, breeder contact information, treatments, acquisitions, disposition, behavior, or any other pertinent information.

(b) “Animal shelter” means a facility that temporarily houses homeless, lost, abandoned, or seized dogs, cats, or other types of animals until such animals are either reclaimed by an owner, adopted by a new owner, placed with another organization, euthanized, or otherwise removed from the facility.

(c) “Breeding dog” means any dog which breeds more than once in a ~~two-year~~ **an eighteen-month** period.

(d) “Breeding service” means any business where a person causes or allows a dog to breed at least two or more times for compensation within a ~~two-year~~ **an eighteen-month** period.

(e) “Foster home” means any place where a person cares for and houses animals upon request by an animal shelter, or by contract with an animal shelter.

(f) “Good faith effort” means to deliberately act in a manner which a reasonable and diligent person would act to fulfill a duty or follow a guideline.

(g) “Grooming service” means any business where a person performs cosmetic or cleaning services on animals for compensation two or more times in a two-year period.

(h) “Pet shop” means any business where a person offers animals for either wholesale or retail sale.

(2) **LICENSE REQUIRED.** Notwithstanding §173.41, Wis. Stats., no person may operate a pet shop, ~~or~~ grooming service, breeding service, or animal shelter without having first obtained an animal establishment license.

(3) **PROCEDURE FOR OBTAINING AND RENEWING AN ANIMAL ESTABLISHMENT LICENSE.**

(a) Any person who seeks to obtain or renew an animal establishment license shall make application to the City Clerk on a form provided by the City Clerk and pay a licensing fee of \$100.00.

(b) The humane officer shall review the application and make recommendations to the City Clerk before the City Clerk issues or renews a license.

(c) The City Clerk shall issue or renew an animal establishment license unless the applicant owes a delinquent fee, judgment, or other debt to the City or the humane officer determines that at least one of the following applies:

1. The applicant has been convicted of any violation under Ch. 951, Wis. Stats., or a local ordinance in conformity therewith.

2. The applicant has been convicted of violating any section of this ordinance.

3. The applicant has been convicted of violating any section of Chapter 8 of the Green Bay Municipal Code.

(d) An animal establishment license shall be valid for one year from the date of issuance. A breeding dog registration shall be valid for the life of the dog.

(4) **LICENSE REQUIREMENTS.** Any person who holds an animal establishment license shall:

(a) Make a good faith effort to comply with the standards set forth in the “Animal Care Guidelines for the Retail Pet Industry” manual published and amended from time to time by the Pet Industry Joint Advisory Council.

(b) Keep animal care records for at least two (2) years and provide them to any humane officer, or his/her designee, upon request.

(c) Ensure each dog less than one (1) year of age in his or her possession wears an identification collar with its USDA official registration number at all times.

(d) Post on the front of all cages/enclosures the following information:

1. Name, business address and phone number of the breeder, broker and facility where animal was born.

2. USDA License number(s), if any.

3. State license number(s), if any.

4. Whether the animal was purchased from an unlicensed facility.

(e) Ensure that each dog, cat, or ferret at least five (5) months of age is vaccinated for rabies within 30 days of taking possession of the animal or before transferring ownership of the animal, whichever is sooner.

(5) SPECIFIC BUSINESS REQUIREMENTS.

(a) Pet shops shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a veterinarian.

(b) Grooming Services shall maintain records of rabies vaccination and veterinarian contact information for each animal which receives grooming service.

(c) Breeding Services shall ensure each dog and cat receives its first set of distemper and parvo vaccinations and testing/treatment for internal parasites from a Veterinarian.

(d) Animal Shelters shall keep a record of approved Foster Homes ~~and shall be liable for the acts of those Foster Homes.~~

(6) BREEDING DOGS.

(a) Any person who operates a breeding service shall register all breeding dogs and pay the following registration fee for each breeding dog in addition to the fee for obtaining a animal establishment license:

1. For each male breeding dog: \$300.00.

2. For each female breeding dog: \$250.00.

(b) No dog may be used for breeding before reaching two (2) years of age, nor after reaching eight (8) years of age.

(c) No dog may be sold before reaching the age of eight (8) weeks.

(d) No person may operate a breeding service without having first obtained a seller's permit from the Wisconsin Department of Revenue.

(7) LEMON LAW. A pet shop operator shall post a copy of this Lemon Law in a conspicuous location on the business premises.

(a) The operator of a pet shop shall:

1. Provide the purchaser of any animal with spay and neutering information, a copy of animal care records for the particular animal, and name and contact information of the animal's treating veterinarian.

2. Guarantee the animal was not ~~sick~~ **unhealthy** or injured ~~on the date at the point~~ of sale.

3. Reimburse the ~~purchase price~~ **expense to treat an unhealthy or injured animal up to the purchase price** of the animal ~~to the purchaser~~ if within seven (7) days of the sale a veterinarian determines the animal was ~~sick~~ **unhealthy** or injured ~~on the date of~~ **at the point of sale**. **Reimbursement is limited to treatment for the unhealthy condition or injury present at the point of sale.** Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

(b) If a pet shop operator refuses to refund the ~~purchase price~~ **treatment expense** under sub. (a)3., the purchaser may commence a civil action in circuit court. If the court finds by a preponderance of the evidence that the animal was ~~sick~~ **unhealthy** or injured on the date of sale, the pet shop operator shall reimburse the purchase price of the animal, pay reasonable costs sustained by the purchaser to commence and litigate the action, and comply with any other orders of the court. Upon reimbursement, the purchaser is under no duty to return the purchased animal to the licensee.

(8) REVOCATION OF LICENSE.

(a) The City Clerk shall revoke an animal establishment license if the humane officer reports any of the following to the City Clerk:

1. The licensee was convicted of any violation under Ch. 951, Wis. Stats., or a local ordinance in conformity therewith.

2. The licensee was convicted of violating any section of this ordinance.

3. The licensee refused to allow a humane officer, or his/her designee, to enter the property.

4. The licensee ceased operation of any pet shop, grooming service, breeding service or animal shelter for twelve (12) consecutive months.

(9) APPEAL. A licensee may appeal any revocation under sub. (8) to the Protection and Welfare Committee. The Committee shall conduct a hearing and shall recommend to the Common Council that the license be revoked if it finds that the licensee committed a violation. The Common Council shall consider and take action on the recommendation of the Protection and Welfare Committee within 45 days after the Committee adjourns the hearing. The Common Council may uphold the revocation order or reinstate the license. Appeal from a decision of the Common Council shall be to the Brown County Circuit Court.

(10) PENALTIES. Any person convicted of violating any section of this ordinance shall forfeit no more than \$500 for each violation.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication and has no financial impact on the City.

Dated at Green Bay, Wisconsin, this 7th day of September, 2010

APPROVED:

/s/James J. Schmitt

Mayor

ATTEST:

Chad J. Weininger
Clerk

First Reading: 08/17/10

Effective Date: 09/11/10